

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GLEN HARRISON, #234071,

Petitioner,

**Case Number: 07-CV-11165
Honorable George Caram Steeh
Magistrate Judge Steven D. Pepe**

v.

BLAINE LAFLER,

Respondent.

**OPINION & ORDER DENYING PETITIONER'S MOTION
TO SHOW CAUSE AND MOTION FOR DEFAULT JUDGMENT**

Petitioner, Glen Harrison, a state prisoner currently confined at Boyer Road Correctional Facility in Carson City, Michigan, filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. §2254 asserting that he is in custody in violation of his constitutional rights. Pending before the Court are Petitioner's "Motion to Show Cause" and "Petition for Judgment." He argues that Respondent has failed to answer, plead or otherwise defend against the habeas petition filed in this matter.

On May 2, 2007, this Court entered an order requiring Respondent to file an answer to Petitioner's habeas petition by November 2, 2007. The Order also required Petitioner to file with the Court all Rule 5 materials relative to this case. On November 2, 2007, the date the response was due for filing with the Court, Respondent filed its responsive pleading under docket entry #7; and on March 28, 2008, the Rule 5 materials were filed with the Court under docket entry #13.

Therefore, there has been no default relative to Respondent's compliance with the Court's May 2, 2007 "Order Requiring Responsive Pleading."

Respondent's certificate of service indicates that a copy of its responsive pleading was mailed, by using the United States Postal Service, to Petitioner at St. Louis Correctional Facility, 8585 North Croswell Road, St. Louis, Michigan 48880. However, an Offender Tracking Information System (OTIS) search indicates that Petitioner is no longer housed at St. Louis Correctional Facility, but is presently confined at the above referenced correctional facility. It is incumbent upon Petitioner to notify the Court when his confinement location changes so that an accurate address will be on the docket; and the Court as well as the Respondent will know where to mail documents relative to Petitioner's case. The court docket does not indicate that Petitioner ever notified the Court of his change of address to the Boyer Road Correctional Facility. Since it is unclear exactly when Petitioner's confinement location changed, it is likely that Petitioner simply did not receive the copy that was mailed to the St. Louis Cotton Correctional Facility because he had since been relocated or for some other reason.

Accordingly,

IT IS ORDERED that Petitioner's "Motion to Show Cause" [dk.# 9] is **DENIED**.

IT IS FURTHER ORDERED that Petitioner's "Petition for Judgment" [dk.# 12] is **DENIED**.

IT IS FURTHER ORDERED that Respondent mail another copy of its answer to the habeas petition in this case within **fourteen (14) days** from the date of this Order to Petitioner at Boyer Road Correctional Facility, 10274 Boyer Road, Carson City, Michigan 48811.

IT IS FURTHER ORDERED that Petitioner shall have **forty-five (45) days** from the new date on Respondent's certificate of service to submit a reply.

IT IS FURTHER ORDERED that Petitioner submit in writing to the Court his current address.

Dated: August 12, 2008

S/George Caram Steeh

GEORGE CARAM STEEH

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
August 12, 2008, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk